

REMARKS

The Applicants request reconsideration of the rejection.

Claims 12 and 20-26 are now pending, including new claims 20-26.

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed "mechanism for causing" in new claim 14. Without admitting to the propriety of the objection, claim 14 has been canceled, rendering moot the objection.

Claims 12-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sakazume et al., U.S. Patent No. 5,670,114 (Sakazume). The Applicants traverse as follows.

Independent claim 12 has been amended to add a controller for controlling the sample dispensing mechanism and the sample container disk, for identifying a sample in a sample container on the basis of information read on the information reader, and for checking whether or not a sample to be sucked or already sucked by the sample dispensing mechanism is a sample whose information has been previously read by the information reader immediately before the checking by the controller. By this feature, after information has been read a second time from a sample container, the sample dispensing mechanism will not be caused to dispense a sample that is different from the sample whose information was just read, thereby preventing the mixing of samples due to a mis-reading operation.

Therefore, although Sakazume discloses a barcode reader with, perhaps, some similar objectives to those of the present invention, Sakazume fails to disclose or fairly suggest the controller as now claimed, or its functions. In particular, Sakazume does not address any function for checking whether a sample to be sucked or already sucked is the same as the sample whose information has been

previously read immediately before the check. Accordingly, it is believed that claim 12 is patentably distinguishable from Sakazume. Claims 13-15 having been canceled, the rejection of these claims is moot.

Claims 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakazume in view of Ishizawa, U.S. Patent No. 6,413,475 (Ishizawa). Claims 16-19 have been canceled and thus this rejection is also moot. However, it is noted that Ishizawa does not disclose the controller or its functions as now claimed, and therefore no reasonable combination of Ishizawa with Sakazume can be said to render obvious any of the present claims.

New dependent claims 20-26 provide additional features which have separate patentability over the art of record. In this regard, it is noted that claim 26 recites a cover made of an electrically conductive material, which is arguably taught by Ishizawa. However, the cover of Ishizawa does not have all of the limitations of the cover recited in claim 22, even when considered in combination with the teachings of Sakazume. Accordingly, claims 20-26 are all believed to be separately patentable.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the

deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417
(referencing attorney docket no. KAS-204).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

_____/Daniel J. Stanger/

Daniel J. Stanger
Registration No. 32,846

DJS/sdb
(703) 684-1120